



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

023

EPA Region 5 Records Ctr.



243426

OCT 07 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

HSE-5J/EERB

RE: International Harvester Site
Chicago, Illinois
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances to or at the facility. Under Section 107(a) of CERCLA, where U.S. EPA spends public funds for the cleanup of hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Conduct an extent of contamination survey (EOC) including test core sampling of soils beneath concrete and wood foundations, and air monitoring of the entire site environs to determine the boundaries and magnitude of potentially hazardous materials and substances subject to off-site migration and airborne dispersal.

2. Conduct a complete site safety inspection addressing all open holes, manway accesses, impoundments, security fence breeches, and other physical hazards within and throughout the site.
3. Sample, containerize and/or bulk and prepare for disposal compatible waste streams for shipment to approved and appropriate waste disposal facilities.
4. Secure the site and prepare weekly progress reports for U.S. EPA review and comment.

U.S. EPA has received information that you may own, or may have owned or operated the facility, or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Carol Graszer Ropski
U.S. EPA - Region V
Emergency Support Section HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the

facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.


If you need further information regarding this letter, you may contact John Breslin, of the U.S. EPA Office of Regional Counsel at (312) 886-7165.

By means of a previous letter, U.S. EPA notified Navistar International Transportation Corp. of its potential liability regarding this matter as well. Navistar is represented by the following attorney in this matter:

Cary R. Perlman
Latham & Watkins
Sears Tower, Suite 5800
Chicago, Illinois 60606
(312) 876-7700.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



for Richard C. Karl, Chief
Emergency & Enforcement Response Branch

cc: Cary R. Perlman

bcc: John Breslin, ORC, (CS-29A)
Paul Steadman, OSC, (HSE-5J)
Jose Cisneros, ESS (HSE-5J)
Carol Graszer Ropski, ESS (HSE-5J)
Edward Hanlon, RPM (HSRM-6J)
Oliver Warnsley, RP-CRU (HSM-5J)
Toni Lesser, Public Affairs, (P-19J)
EERB Site File
EERB Read File
Fred Policarpio (HSRLT-5J) w/o attachments

LIST OF RESPONDENTS ISSUED NOTICE LETTER

Better Living Foundation, Inc.
Johnnie Coleman, President
30 North LaSalle Street
Suite 2024
Chicago, Illinois 60602-2504

Better Living Foundation, Inc.
Claude B Kahn, Registered Agent
30 North LaSalle Street
Suite 2024
Chicago, Illinois 60602-2504

West Pullman Associates
c/o Lloyd Drexler
Allied Products Corp.
10 South Riverside Plaza
Chicago, Illinois 60606

Christ Universal Temple, Inc.
c/o Johnnie Coleman, President
11901 South Ashland Avenue, Floor 1
Chicago, Illinois 60643-5434

RESPONDENT ISSUED NOTICE LETTER ON APRIL 21, 1994

Navistar International Transportation Corporation
455 North Cityfront Plaza Drive
Chicago, Illinois 60611